

Expedients Propofed for the Eafing and Advantaging the
Coal-Trade, and Lefsnig the Price of Coals in
London, and other Places, &c.

That all Ships may have Liberty, (if they find it for their convenience) to take in such Beer and other Provision, as they shall at any time want for their Voyages, in or about Sheilds, and not to be forced (as now they are) to send Seven Miles up the River to Newcastle for the same, whereby they often lose the opportunity of a fair Wind, or a Convoy, and by consequence their whole Voyage.

II. That it may be lawful for any Ship in Distress, to make use of any Pilot or Carpenter, though no Freeman of Newcastle, (which is now by no means permitted) for whilst they send so far as Newcastle for help, (which when they do, they cannot have from thence, but at Excessive Rates) the Ships that want, or have wanted such help, may be, and often have been cast away, before such Pilot or Carpenter could come to them.

III. That a Free-Ballast-Shore, may be Built by the Owners of Jarrowlike near Sheilds, or any other Owners of Lands and Grounds there. And that all Ships may, (if for their own Benefit) be at liberty to lay Ballast there, and not forced (as now they are) to carry it several Miles, upon a dangerous River to Newcastle Shores; In as much as Jarrowlike Shore, when Built, will be greatly for the Advantage of the River, and all Ships Trading up the same Anent, is farther offered to Consideration, and will easily be Demonstrated, That if these things were done, the River would be much Bettered, and made Deeper, and more Navigable, which would Encourage the Building of Great Ships, which are the most proper for that Trade, and such as would be Useful for the Defence of the Kingdom, in time of War; Besides, by these Means, Masters of Ships might make Two or Three Voyages in the Year, more than now they do, by reason of the quick Dispatch they would then receive, above what they now have; the consequence whereof must needs be, That Coals, Glass, Salt, and Millstones, which are the proper Commodities of those Parts, would be much Cheaper to the Subject than now they are, and the great Duty laid on Coals for several Years to come, be less felt by the Poor than now it is.

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A N S W E R

To the Printed Paper above-mentioned.

TO the First, it is answered, That the Mayor and Burgeses of Newcastle, have by Prescription the Survey and Government of the Port and River there; which Port and River, are within the Bounds and Limits of the Borough of Newcastle. And the said Mayor and Burgeses have from time to time (whereof the Memory of Man runs not to the contrary) had the sole Vending of all Beer and Ale sold to Ships Trading to that Port: And this is, in effect, no more than all Corporations by Prescription enjoy, That none shall exercise a Trade within their Corporation, but the Members of it. And it seems to be as reasonable to take away the Privileges of all other Corporations, as to take away this; and besides, the Publick is no way injured; for Ships do not lose their Voyages by it, because the Ships may take in their Beer and Ale at Sheilds from Newcastle, in a quarter of the time they can take in their Coals, for they go two, three, and sometimes four Miles above Newcastle for their Coals. And this very Point, as to the sole vending of Beer and Ale by the Mayor and Burgeses within the said Port, has been lately Tried in His Majesties Court of Exchequer, and found by a substantial Jury for the Mayor and Burgeses, and a Decree thereupon made for the same.

To the Second, it is Answered, That it is lawful in that Port, for any Ship-Master to use his own Carpenter, and if the Ship be in distress, the Master may use any Carpenters whatsoever at Sheilds: and besides, Care is taken that there be alwayes Carpenters and Pilots that are Freeman of Newcastle, that live at Sheilds, near the Mouth of the Haven, to serve such Masters of Ships as have occasion to use their Services there, and that at Reasonable Prices, lower than in other places. And the Mayor of Newcastle may regulate the Prices, if unreasonable Demands be made; and it is a great Mistake to affirm, That any Ships have been lost in that Harbor, for want of Carpenters or Pilots, and the same cannot be proved.

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To the *Third*, the Answer is, That *Jarrowlike* is no fit place for a *Shore*, being near the *Mouth* of the *Haven*, because the unavoidable *fall* of *Ballast* would make a *Sand-Bed*, which would hinder *Ships* to pass in and out. It would be a *Nuisance* to have a *Shore* there, there being no *Foundation* to erect a *Wall* for a *Ballast Key*. And it would be further inconvenient, the *Channel* of the *River* being *Narrow* in that place, it would make the *Current* so quick, that no *Ships* could lie at *Anchor* there, or *Keels* come to cast *Coals* or *Ballast* there. And it would hinder the *passage* of *Ships* in the said *River*, and would be an injury to the *Mayor* and *Burgessees* to make an *Act* of *Parliament* to erect a *Shore* at the place desired, for they do prescribe, That no *Shores* should be built upon that *River*, without their *License*; if this were not, the *River* had been long since blockt up, and it were impossible to prevent *Nuisances* to the said *River*, if the *Mayor* and *Burgessees* had not the *Survey* and *Government* of it: For every *Man* that has *Land* upon the said *River*, might be at liberty to build into the *River* as far as they please.

This *Prescription* has been likewise *Tried* at *Law* at the *Bar* of the *Court* of *Exchequer*, and found for the *Mayor* and *Burgessees*: And why may not all, or any the *Franchises* of all other *Corporations*, be taken away by *Act* of *Parliament* as well as this? And there is no inconvenience to *Ships* that *Trade* to that *Port*, for want of a *Shore* there, because there are *Shores* four or five *Miles* lower than *Newcastle*, seated in convenient places, where *Ships* cast their *Ballast*, and take in their *Coals* without danger.

The *Mayor* and *Burgessees* being *Conservators* of the *River* and *Port* of *Tyne* (a place of great *Import* to the *Kingdom*, and *Nurtury* of *Seamen* and *Navigation*) and having an *ancient Court* for the *Government* and *Preservation* of the *River* and *Port*, do never give leave to build a *Ballast Shore*, until the place be viewed by a *Jury* of *Masters* of the *Trinity House* and *Pilots*, and they upon their *Oaths* give a *Verdict*, that the place is convenient, and without prejudice to the *River*.

That the *Expedients* proposed, will not in any sort lessen the *Price* of *Coals*; for the same *Tide* that will carry *Ships* to the place designed for a *Shore*, will carry them to some other *Shores* or *Wharfs* that are already erected. And the same *Wind* that will carry *Ships* out from the one place, will carry them out from the other. And the *Ballast* is cast out upon as cheap and ealie terms from some of the other *Shores* already erected, as it can possibly be from the place designed for a *Shore*. Besides, the *Charges* for *Lighters* to bring down *Coals* to *Ships* lying at *Jarrowlike*, will be greater than the *Rates* are at the other *Shores* already erected upon the *River*. And *Lighters* which bring *Coals* to the *Ships* riding at *Jarrowlike*, will not be able in great *Westerly Winds* (which often happen) to go up again to fetch more *Coals* to Load the *Ships* there; although from the other *Shores* they may go up, notwithstanding the greatness of the *Wind*.

And in truth this is but a *design* for some particular *Mens* Interest, (upon pretence of *Publick* good) which they have long endeavored by several means to effect at the *Council Board*, and at *Law*, but could not prevail:

Records, and other Evidence. to Prove the last Particulars above-mentioned;

14 Job. Reg.

THe King Grants and Confirms to the Town of *Newcastle* (with its Appurtenances to the same belonging) by the Name of the *Good Men* of *Newcastle*, all their *Liberties* and *Customs*, &c. which they used in the time of King *Henry* his Father; and the Town payes per annum 100 l. *Fee-Farm-Rent* to the Crown.

£ Hen. 3:

That Sir *Robert de Vessy* and his Companions, *Justices Itinerant*, gave Judgment for the Town of *Newcastle* against the *Prior* of *Tinmouth*, whose Lands did joyn upon the *River* of *Tyne*, at *North-Sheilds*; which said *Prior* had invaded the Towns Rights and Priviledges, by Building *Houfes*, *Wharfes*, &c. between *High* and *Low Water-Mark*, and within the extent of *Sparrow-hawk*, within the *Sea* and *Hedwin Streams*; whereupon the said *Prior*, by Judgment of the said Sir *Robert de Vessy*, and the other *Justices*, was Prohibited from thenceforth to Build *Houfes*, or Erect *Wharfes* in the place called *Sheilds*, to the Nuisance of the Town of *Newcastle* upon *Tyne*, nor should permit *Hominis suos* there remaining, to Bake *Bread*, or Brew *Beer* to sell, or make any other Merchandize by which the said Burrough should be damnified.

25 Hen. 6.

A *Commission* Issued forth to Inquire what Merchandize, *Viſtuals*, or other things, were sold elsewhere, within the said *River* of *Tyne*, then at the *Port* of *Newcastle*; and to Inquire after other *Nuisances*, near the Town of *Newcastle*, or the *Port* thereof made by *Land* or by *Sea*; whereupon it was found by *Inquisition*, that the *Burgessees* of the said Town, time out of the memory of *Man*, held the said Town of *Newcastle*, with the *Water* of *Tyne*, to the full *Sea-Mark*, from *Sparrow-hawk* in the *Sea* to *Hedwin Streams*, as *Parcel* of the said Town in *Fee-Farm*: and do farther find, that none ought elsewhere, out of the said Town and *Liberties* of the same, in any part betwixt the said Town, and the *High-Sea* adjacent to the said *River*, with *Ships*, or other *Vessels* whatsoever, to Load or Unload, without *License* of the said *Mayor* and *Burgessees* for the time being, and not out of the said Town any *Market* to make, or exercise *Sheilds*, *Ships* or *Shambles* for *Wares*, or other things to be sold, nor to Bake *Bread* to be sold, nor to Brew *Ale*, nor *Beer* to Sell; for that the said Premises have been held, done and had, time out of the Memory of *Man* at *Newcastle*.

It



It is *Enacted*, that no person or persons shall Ship, Load or unload any Goods to be sold into, or 21 Hen. 8. from any Ship, at any place within the said River of Tyne, between Sparrowhawk and Hedwin-Streams, but only at the said Town of Newcastle.

It is likewise *Enacted*, that none shall cast out of any Ship or Vessel, within any Port or Haven, 34 Hen. 8. any Ballast or Rubbish, but only upon the Land above the full Sea-Mark; upon the pain and forfeiture therein expressed; And, *time out of mind*, the Mayor and Burgeses of Newcastle have had a Court of Record, every Monday to be kept within the Town; and that Court Inquires of all Nuisances within the Port, and determines thereof according to Law, and punisheth Delinquents according to their demerit, and makes Ordinances for the good of the said River: and the said Town is obliged, at their Charge, to Cleanse the River, Weigh up Wrecks, and to prevent all Breaches into the same; to the end the River may be kept Navigable for Ships to go up to the Town.

The Queen Grants the Town of Newcastle the same Privileges and Liberties, which they had by 31 Eliz. any other Grant of her Predecessors; and Grants the same Circuit, Precinct and Jurisdiction to the said Town, so far as it extends it self by Meets and Bounds *tam per terram, quam per aquam*; extending from the Sparrowhawk in the Sea, to Hedwin Streams.

That in Michaelmas Terme, 2 Car. 1. upon the Town's Complaint in the Exchequer Chamber 2 Car. 1. against Anthony Errington, for erecting of Buildings upon the River Tyne, within the Flood Mark of the said River, between Sparrowhawk and Hedwin-Streams; a Decree did pass against the said Errington, and the Conservancie of the River is Allowed and Admitted to be in the Town.

In Easter-Terme, the Town complaining of one Humphrey Johnson, for unlawful keeping a Common 5 Car. 1. Brewhouse at North-Sheilds, adjoining to the said River, on the Shore thereof, betwixt Sparrowhawk and Hedwin-Streams; and for Brewing and selling Beer and Ale in Grofs, and by Retail; it was Ordered, Adjudged, and Decreed, that the said Brewhouse should be suppressed.

A Quo Warranto was brought, by the Kings Attorney-General, against the Town; and, in their 5 Car. 1. Plea thereunto, they Claimed the Privilege, at their Liberty, to Erect apt and fit Wharves, for the receiving and reteining the Ballast, Gravel and Sand cast out, and to be cast out of the Ships being in the aforesaid Haven; and were bound to maintain these Wharves, and to make new Wharves in the said River; and that no private Person make gain thereof, or for any other Cause whatsoever, should Erect, or have any Wharfe of this nature or kind, in the said Town, or in the Haven aforesaid Upon this, after long Debate, and great Deliberation by the Court of Kings Bench, Judgment was given, That the said Town should enjoy their said Privileges and Liberties.

Upon a Petition to the King in Council, by the same persons who now Promote the Design, to Anno 1668. make Jarrow-Slike a Ballast-shore, for their private Gain; there were several Hearings before the King in Council, and after long Debate, and mature Deliberation, they were Dismissed to the Common Law.

Whereupon, the Cause came afterwards to be Tryed by a Buckinghamshire-Jury, at the Exchequer-Bar, before the Lord Chief Baron Hale, and the rest of the Barons of that Court; but, after five houres Hearing, the Verdict went for the Town of Newcastle: whereby the Town's Prescription for the Sole Building of Ballast-shores was found.

The Promoters of this Design, not resting satisfied with that Verdict and Judgment, Petitioned the King in Council again; and obtained an Order of Reference to the Lord Mayor and Court of Aldermen, and to the Masters of the Trinity-House, London, to Examine the Matters contain'd in that Petition, concerning the Building of a Ballast-shore upon Jarrow-Slike; and, after Hearing of Council on both sides, and producing the several Certificates by the Trinity-House of London, and Newcastle, and hearing Witneses Viva voce, the Lord Mayor and Court of Aldermen made this ensuing Report unto the King, viz.

To the Kings Most Excellent MAJESTY.

WE the Lord Mayor and Aldermen of the City of London, in pursuance of an Order of Your Majesty in Council of the 5th of August last past, made upon the Petition of Sir Charles Ad- derly Knight, and John Croke Esquire, touching a Ballast-Shore, intended by them to be erect- ed at Jarrow-Slike near South-Sheilds in the County Palatine of Durham; whereby we, and the Masters of the Trinity-House, are required severally to consider of the Petitioners Allegations, and to Re- port to Your Majesty in Council, what advantage and conveniency may accrew to the Publick, by erecting the said Ballast-shore; Do humbly certifie, that we have taken into serious consideration the said several Allega- tions mentioned in Your Majesties said Order; which are, [That this intended Ballast-shore, tends greatly to the Advance of Trade, Security of Shipping, Preservation of the River of Tyne, and Mens lives: And that Newcastle it self, by the increase of Trade, will be much advantaged thereby:] and have heard as well what was thought fit to be offered by those Gentlemen concerned, who appeared for it; as by divers Gen- tlemen of Newcastle, and their Counsell Learned, who appeared against it: And, upon the Whole Matter, no- thing was made out before us, in Prooffe or Evidence of the said Allegations; but, on the contrary, it appeared to us, by what was Offered and Demonstrated by those of Newcastle, and by the Testimony of divers Able

and Antient Ship-Masters, and other Persons Unconcerned; That the Erecting of a Ballast-shore, as is Designed at Jarrow-Slike, would prove Destructive to Trade in General, Dangerous both to Shipping and Mens Lives; To the Inbauncing of the Price of Sea-Coales; To the Obstruction and Choaking of the River of Tyne; Exceedingly Mischievous to the Barr of Tinmoth-Haven; And Manifestly to the Decrease of the Trade and Damage of the Town of Newcastle: The better Judgment and Consideration whereof is humbly submitted to Your Majesties Great Wisdom, by

YOUR MAJESTIES

Octob. 27.
1670.

Most Humble,

and Most Obedient

Subjects and Servants,

Samuel Starling Mayor,

Rich. Chewerton, George Waterman, Fran. Chaplin,
John Lawrence, Robert Hanson, James Edwards,
William Peake, William Hooker, Dan. Forth,
Rich. Rives, Joseph Sheldon, J. Ward.
Tho. Davis, Jonathn Dawes.



*Newcastle
Calder*